

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FRANK LUIS DE DIOS MARTINEZ,

Plaintiff,

v.

No. 14-cv-0169 MCA/SMV

**CIBOLA COUNTY, CITY OF GRANTS,
KATHY GALLEGOS,
PENITENTIARY OF NEW MEXICO, and
GERMAN FRANCO,**

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

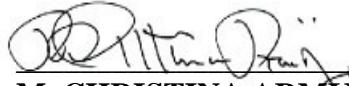
THIS MATTER is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition [Doc. 56] ("PF&RD"), issued on June 20, 2016. On reference by the undersigned [Doc. 3], the Honorable Stephan M. Vidmar, United States Magistrate Judge, found that Plaintiff failed to exhaust his administrative remedies with regard to all claims. [Doc. 56] at 10. Thus, he recommended that Defendant's Motion for Summary Judgment [Doc. 45] be granted and that this case be dismissed without prejudice. [Doc. 56] at 10. No party objected to the PF&RD, and the time for doing so has passed.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Magistrate Judge's Proposed Findings and Recommended Disposition [Doc. 56] are ADOPTED. Defendant's Motion for Summary Judgment [Doc. 45] is GRANTED, and this case is DISMISSED without prejudice.

The Court has also reviewed Plaintiff's Notice of Request with Respect to Motion to Seal Exhibit and Portions of *Martinez* Report, [Doc. 48], filed January 11, 2016. It was not possible to discern what relief Plaintiff requests. To the extent Plaintiff intended this document as a motion to unseal the documents that Defendant filed under seal [Docs. 46, 47], it will be denied. The Magistrate Judge did not use these documents in reaching his conclusion that Plaintiff had failed to exhaust his administrative remedies in his PF&RD. Unsealing these documents would be of no use to Plaintiff.

Therefore, **IT IS FURTHER ORDERED** that Plaintiff's request to unseal [Doc. 48] is **DENIED**.

IT IS SO ORDERED.



M. CHRISTINA ARMIJO
CHIEF UNITED STATES DISTRICT JUDGE